

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

OP.No. 3973 of 2003(W)

PETITIONER:

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1. P.A.SREENIVASAN, JUNIOR SUPERINTENDENT,
OFFICE OF DEPUTY DIRECTOR OF EDUCATION,
KALPATTA, WAYANAD DIST.
 2. K.BALAKRISHNAN, JUNIOR SUPERINTENDENT,
OFFICE OF THE DEPUTY DIRECTOR (EDUCATION)
KASARAGOD.
 3. V.M.THANKAMANI, HEAD CLERK,
GOVT.VOCATIONAL HIGHER SECONDARY SCHOOL,
MADAPPALLI, KANNUR.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.
 2. DIRECTOR OF PUBLIC INSTRUCTION,
KERALA, THIRUVANANTHAPURAM.
 3. V.M.RADHAMANI, JUNIOR SUPERINTENDENT,
OFFICE OF DEPUTY DIRECTOR (EDUCATION)
KANNUR.
 4. M.A.ARAVINDA BABU, JUNIOR SUPERINTENDENT
OFFICE OF DEPUTY DIRECTOR (EDUCATION)
IRINJALAKUDA.
 5. V.SURESH KUMAR, JUNIOR SUPERINTENDENT,
OFFICE OF DEPUTY DIRECTOR (EDUCATION),
THIRUVALLA.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Ext.P1: True copy of the Order No. SY3/17785/92/DPI dated 26-9-1994

Ext.P2: True copy of the order dated 10-3-1989 issued by the 2nd respondent

Ext.P3: True copy of the order No. SY2/114535/87 dated 14-6-1996 issued by 2nd respondent

Ext.P4: True copy of the notification dated 13-11-1985 issued by the Public Service Commission

Ext.P5: True copy of the order No.SY2/114535/90 dated 17-6-2002 issued by 2nd respondent

Ext.P6: True copy of final seniority list of UD Clerk for the period from 1-12-1983 to 31-12-1985

Ext.P7(a) : True copy of the representation filed by the 1st petitioner before the 2nd respondent dated 31-10-2001

Ext.P7(b) : True Copy of the representation filed by the 2nd petitioner before the 2nd respondent dated 31-10-2001.

Ext.P7(c) True copy of the representation filed by the 3rd petitioner before the 2nd respondent dated 31-10-2001

Ext.P8: True copy of the notice dated 11-3-1998 issued by the 2nd respondent.

Ext.P9: True copy of the judgment dated 21-12-2006 in W.P.(c) 30494 of 2003

//True copy//

A.K. BASHEER, J.

O.P. NO. 3973 OF 2003

Dated this the 1st day of June, 2007

J U D G M E N T

The core issue involved in this original petition relates to the placement of petitioners in Ext.P6 seniority list of Upper Division Clerks in the Department of Education. Petitioners contend that they are entitled to be placed higher in the said list. They have pointed out certain errors and anomalies in the list.

2. I do not propose to deal with any of the contentions raised by the petitioners in this writ petition or the rival contentions taken by the Department in the counter affidavit. It is pointed out by the learned counsel that in an identical situation, this Court, in Ext.P9 judgment had directed similarly placed employees to approach the Government and take up all their contentions in support of their plea for placing them in the ranked list at the appropriate places. Learned counsel submits that since the Government is yet to take a decision in the matter as directed in Ext.P9, the petitioners are also prepared to approach the Government and submit a representation

highlighting all the relevant aspects so that their grievances can also be considered by the Government while dealing with those of the petitioners in Ext.P9 judgment. Learned Government Pleader submits that if the Government has not taken a decision pursuant to Ext.P9 already, the representation that may be submitted by the petitioners will be considered along with that case, and if it is otherwise, the request made by the petitioners will be considered separately and appropriate decision thereon will be taken without any delay.

Accordingly, the writ petition is disposed of with a direction that if the petitioners prefer a representation within 14 days from today, the same shall be considered along with the case of the petitioners in Ext.P9 judgment. Appropriate decision thereon shall be taken as expeditiously as possible, at any rate, within three months from the date of receipt of the representation.

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JUDGMENT

1ST MARCH, 2007